

## REMARKS

Applicants' Representative acknowledges with gratitude the teleconference with Examiner Balasubramanian on January 3, 2008 regarding the correct claim set for examination.

Claims 1 through 16 are pending in the application, pursuant to formal entry of the Preliminary Amendment of September 23, 2005, as discussed below.

Claims 8 through 12 and 15 have been canceled, without prejudice or disclaimer to the filing of continuing applications thereon.

### Entry of Preliminary Amendment of September 23, 2005

As discussed during the teleconference, the Office Action Summary incorrectly indicates that Claims 1 through 13 are pending. As alluded to within the outstanding Office Action on Page 2, the International Bureau ("IB") did receive an amendment on August 27, 2004, which was forwarded to the PTO in conformance with PCT practice.

Applicants subsequently submitted a Preliminary Amendment on September 23, 2005 ("Preliminary Amendment"), conforming the noted claim set forwarded by the IB to United States practice. An apparent PTO clerical error occurred, resulting in the Preliminary Amendment claim set being coded as "136 A" (authorization for extensions) and "REM" (remarks). Examiner Balasubramanian graciously agreed to enter the foregoing Preliminary Amendment claim set upon receipt of the present Election.

Accordingly, Applicants' Representative respectfully requests formal entry of the Preliminary Amendment of September 23, 2005.

*Election of Group I without Traverse*

The Office Action of September 21, 2007 requires Applicants to restrict to one of the following inventions (again, as based upon the amended claim set of August 27, 2004, provided by the IB):

Group I: Claims 1 through 7 and 13, drawn to a process of preparing an intermediate compound for making compound of formula Ia and a process for preparing an intermediate compound for making compound of formula Ib. Examiner Balasubramanian kindly agreed to include Claims 14 and 16, added in Applicants' Preliminary Amendment, within Group I.

Group II: Claims 8, 9 and 12, drawn to a process of preparing an intermediate compound of formula Xla. Claim 15, added in Applicants' Preliminary Amendment and depending from Claim 8, is presumably included within the claims of Group II.

Group III: Claims 10 and 11, drawn to a process of reducing Xla to give emtricitabine.

Applicants hereby elect without traverse the claims of Group I, i.e. Claims 1 through 7 and 13 for prosecution within the above-referenced application. Applicants further elect Claim 14 (dependent upon elected Claim 3) and Claim 16 (dependent upon elected Claim 5), added in Applicants' Preliminary Amendment, as further discussed with Examiner Balasubramanian.

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### CONCLUSION

It is respectfully submitted that Applicants have made a significant and important contribution to the art, which is neither disclosed nor suggested in the art. It is believed that all of pending Claims 1 through 7 and 13, 14 and 16 are in condition for immediate allowance. It is requested that the Examiner telephone the undersigned if any questions remain to expedite examination of this application.

It is not believed that fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional fees are necessary to allow consideration of this paper, the fees are hereby authorized to be charged to Deposit Account No. 50-2193.

Respectfully submitted,

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### CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office PAIR System on January 7, 2008. *Clair Wygand*